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IN THE UNITED STATES DISTRICT COURT, CLERK, CHARLESTON, SC
FOR THE DISTRICT OF SOUTH CAROLINA

2010 APR 12 A 11:05

Cyril E. Garrett,) C/A No.: 2:09-798-JFA-RSC
)
 Plaintiff,)
vs.)
)
Michael J. Astrue, Commissioner of Social) ORDER
Security,)
)
 Defendant.)
)

The plaintiff, Cyril E. Garrett, brings this action pursuant to § 405(g) and 1383(c)(3) of the Social Security Act, as amended, to obtain judicial review of the final decision by the Commissioner of Social Security denying plaintiff's claim for disability insurance benefits (DIB) and supplemental security income (SSI).

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that the Commissioner's decision to deny benefits should be affirmed. The Magistrate Judge provides a detailed discussion of the undisputed and relevant medical evidence and the standards of law which this court incorporates without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties were advised of their right to submit objections to the Report and Recommendation which was filed on January 21, 2010. As of the date of this order, the time to file objections has expired, and neither party has responded. Thus, it appears the matter is ripe for consideration by this court.

The court has carefully reviewed the record and finds the recommendation of the Magistrate Judge to be proper. It is therefore ordered that the Report is incorporated herein and that the decision of the Commissioner of Social Security denying benefits in this case is affirmed.

IT IS SO ORDERED.

April 12, 2010
Columbia, South Carolina

Joseph F. Anderson, Jr.
Joseph F. Anderson, Jr.
United States District Judge